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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,262	07/27/2001	Derek Edward Sumpter	SUMPTER-DB-01	7810

7590 02/27/2003

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EXAMINER

FOX, CHARLES A

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/917,262

Applicant(s)

SUMPTER, DEREK EDWARD

Examiner

Charles A. Fox

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 12-3-02
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 7-9 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

Applicant's election with traverse of claims 1 and 3-6 in Paper No. 9 is acknowledged. Accordingly claims 7-9 have been withdrawn from consideration.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Hamilton et al. In regards to claim 1 Anderson US 3,514,902 teaches an articulated trailer (10) for hauling refuse comprising:

an enclosed material carrying container mounted on a chassis and having a plurality of road wheels (12);

wherein the container has a floor, a rear wall, two side walls, a roof and a front having an access door therein;

wherein the interior surfaces of the container are substantially flat;

wherein the inside of the container includes one transverse movable wall (32) with a headboard defining a cavity between the movable wall and said door to the container;

wherein said cavity is at a minimum when said movable wall is adjacent said door and at a maximum when said wall is remote from said door to the container;

an access door (42) in the roof of said container;

wherein said access door (42) is movable between a first position where it covers an opening in said roof and a second position where the access door is removed from said opening so as to leave the opening unobstructed. Anderson does not teach the roof access door being located proximate to the front access door or that the floor is of the walking type. Hamilton et al. US 4,793,468 teach a trailer for hauling material with a walking floor for aiding in loading and unloading said trailer. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the trailer taught by Anderson with a walking floor as taught by Hamilton et al. in order to empty the trailer at a remote site without having to rely on a separate piece of equipment to unload the vehicle. It further would have been obvious to one of ordinary skill in the art, at the time of invention that the roof access door could be placed at either the front or rear of the trailer and still perform the same task in an equivalent manner with the same expected results.

In regards to claim 4 Anderson further teaches the roof access door (42) has two wheels (44) on each side of said door, each wheel engaging a respective horizontal channel (34) mounted on the roof of the container to either side of the opening in said roof.

In regards to claim 5 Anderson further teaches each channel assembly (34) comprises a substantially horizontal portion and an inclined portion, where said inclined portion is adjacent to said opening in roof and said inclined portion is downward sloping with respect to the horizontal portion of said channel assembly.

In regards to claim 6 Anderson further teaches that the roof access door (42) is remotely actuated via cylinder (46) to open and close said opening on container roof.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Hamilton et al. as applied to claim 1 above, and further in view of Fors. Anderson in view of Hamilton et al. teach the limitations of claim 1 as above, they do not teach a sheet attached to the bottom of said movable wall. Fors US 3,998,343 teaches a trailer with a movable wall (78) that has a sheet attached to the lower edge of said wall. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the apparatus taught by Anderson in view of Hamilton et al. with a sheet as taught by Fors et al. in order to help keep refuse from entering the walking floor as the trailer is filled and emptied.

#### ***Response to Amendment***

The amendments filed on September 28, 2002 have been entered into the record.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 3-6 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 703-605-4294. The examiner can normally be reached between 7:00-5:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 703-308-3248. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

CAF  
February 21, 2003

CAF 2-21-03

  
EILEEN D. LILLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600